



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2307950  
**Applicant Name :** Brittani Ard  
**Address of Proposal:** 9109 23<sup>rd</sup> Avenue North East

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one parcel of two lots into four (4) lots (Unit Lot Subdivision). Proposed lot sizes are: A) 1,333 square feet, B) 1,469 square feet, C) 1,470 square feet; and D) 1,406 square feet. Related projects: establish use and construct two townhouse structures, Construction Application No. 2306862. Environmental review for demolition of existing retirement home and new construction of approximately 26 dwelling units reviewed under MUP 2306438.

The following approval is required:

Short Subdivision - to subdivide one existing parcel into four lots as a unit subdivision. (Chapter 23.24.046, Seattle Municipal Code).

**SEPA DETERMINATION:** ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or  
involving another agency with jurisdiction.

DNS Published April 29, 2004 under MUP 2306438

## **BACKGROUND**

### **Site and Vicinity Description**

The approximately 5,679 square foot property is located on 23<sup>rd</sup> Avenue NE in northeast Seattle. Pedestrian and vehicle access to the site is from 23<sup>rd</sup> Avenue NE which forms the east property boundary.

The subject lot and surrounding lots on this side (the west) of 23<sup>rd</sup> Avenue NE are zoned Multi- Family Lowrise 3 (L3). Across 23<sup>rd</sup> Avenue NE the zoning is Single Family 5000 and the uses are single family residences. These developments are consistent with the Land Use Code.

### **Proposal**

The proposal is to subdivide one parcel into four (4) unit lots. The parent parcel is 5,678 square feet in area. The proposed lot sizes are: 1,333 square feet, B) 1,469 square feet, C) 1,470 square feet; and D) 1,406 square feet. Pedestrian and vehicle access to all proposed lots will be from a joint access easement extending from 23<sup>rd</sup> Avenue NE then along the south property boundary to a central automobile court between the two townhouse structures. Unit lots A and B will have pedestrian access directly from 23<sup>rd</sup> Avenue NE. The joint access easement will be recorded with the approved plat. All townhouse units will have parking within their respective structures. The new structures on proposed Unit Lots A, B, C, and D have been reviewed for applicable code compliance under MUP No. 2306862.

### **Public Comments**

The comment period for this proposal ended on December 31, 2003. One comment letter was received requesting the addition of a sidewalk on the south side of Northeast 92<sup>nd</sup> Street between Ravenna Avenue NE and 23<sup>rd</sup> Avenue NE due to dangerous conditions for pedestrians.

## **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing tree;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Based on information provided by the applicant, referral comments from the Building Plans Examiner, the Drainage Section, the Fire Department, Seattle Public Utilities, City Light, and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is zoned for Multi-Family Lowrise 3 (L-3) use and all development must conform to the requirements of the applicable provisions of the Seattle Municipal Code (SMC). These provisions include, but are not limited to, setback, lot coverage, building height, usable open space, landscaping, and parking requirements. The establishment of use for the townhouses and their construction was reviewed under these provisions under MUP No. 2306862.

The allowable density of the subject property is one dwelling unit per eight-hundred (800) square feet of lot area. The lot area is approximately 5,678 square feet, hence seven (7) units are allowed. Maximum lot coverage is fifty (50) percent (SMC 23.45.010.A.1). Total lot coverage of the proposed structures was review for conformance with this requirement under MUP No. 2306862. Required parking for all units is provided on site and is accessed through an access easement extending from 23<sup>rd</sup> Avenue Northeast. Pedestrian access to all units is also from the access easement extending from 23<sup>rd</sup> Avenue Northeast and, for the street facing units, directly from 23<sup>rd</sup> Avenue Northeast. Building set-backs and height and the provision of open space were reviewed for conformance to the development codes for this zone under the above mentioned MUP.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

Vehicle access for all units is provided through the join access easement extending into the parcel from 23<sup>rd</sup> Avenue Northeast.

All utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and requires an easement (#260433-3-029) to

provide for electrical facilities and service to the proposed lots, which must be included on the final plat. (Attachment A)

The Seattle Fire Department has reviewed and approved the proposed unit lot subdivision for the provision of adequate emergency vehicle and personnel access.

To assure adequate address identification of Unit Lots C and D from 23<sup>rd</sup> Avenue Northeast, address signage for these Unit Lots shall be posted in a visible location along the right of way of 23rd Avenue Northeast. A covenant shall be recorded with the final plat to ensure that the address signage is maintained.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

Review for drainage and sanitary sewage disposal indicates these services are adequately provided for this unit lot subdivision.

Seattle Public Utilities has reviewed this proposal and assures water availability access provided a five (5) foot easement is recorded across the proposed Ingress, Egress, and Utility Easement for service to Unit Lots C and D (Water Availability Certificate # 2003-1358) (Attachment B).

4. *Whether the public use and interests are served by permitting the proposed division of land;*

Unit Lot Subdivision allows for the subdivision of common wall (attached) ground related townhouse structures. Ground related townhouse structures are allowed outright in the L-3 zone. This process therefore makes possible separate ownership of individual units that otherwise would be owned by one party and consequently some or all units would be available on a rental basis only.

The proposed unit lot subdivision meets the minimum provisions of the Seattle Land Use Code for L-3 development regulations and the applicable approval criteria for short platting.

The public use and interests are thereby served by permitting the proposed division of land.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

This site is not located in any environmentally critical area as defined in SMC 25.09.240, therefore this criterion does not apply.

6. *Is designed to maximize the retention of existing trees;*

There are no trees on the lot. There is no on site tree planting requirement for new development in an L-3 zone.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Two townhouse structures, containing two units each, were approved under MUP 2306862. Pursuant to SMC 23.24.045(A and B), sites developed or proposed to be developed with townhouses, cottage housing, clustered housing, or single-family housing may be subdivided into individual nonconforming unit parcels if development as a whole on the parent lot meets applicable Land Use Code development standards at the time of approval. To assure that future owners have constructive notice that additional development may be limited due to nonconformities resulting from this unit lot subdivision; the following statement shall be required to be included as a note on the final short subdivision: *The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.*

#### Summary

The proposed Unit Lot Subdivision meets the criteria of SMC 23.24.040 and 045, Short Plats and Unit Lot Subdivisions. Pursuant to the above discussion and the following conditions, it is thereby approved.

#### **DECISION - SHORT SUBDIVISION**

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

#### **CONDITIONS - SHORT SUBDIVISION**

##### Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Submit the final recording forms for approval and any necessary fees.
2. Insert the following on the face of the plat: "The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."

3. Provide an area for the posting of address signage and US Postal Service approved mail boxes for Unit Lots C and D in a location visible from 23<sup>rd</sup> Avenue NE either on the Ingress, Egress and Utility Access Easement or elsewhere, indicate the location on the face of the plat, and provide a covenant to ensure that address signage will be maintained.

Signature: \_\_\_\_\_ (Signature on file) Date: May 27, 2004

Art Pederson, Land Use Planner  
Department of Planning and Development  
Land Use Services

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